

REMARKS

In the outstanding official action, guidelines for headings in the specification were suggested. In response, this suggestion is acknowledged, but headings have not been added to the specification as they are not required in accordance with MPEP §608.01(a).

On the merits, claims 1-3 were rejected under 35 USC 102(b) as being anticipated by either Kuroda or Lee et al, for the reasons of record. In response, independent claim 1 is herewith amended to more particularly and precisely recite the novel and unobvious features of the instant invention and it is respectfully submitted that independent claim 1, as herewith amended, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references for the reasons detailed below.

More particularly, it was suggested in the Action that each of the cited and applied references shows a multi-layer disk having first and second layers wherein the data capacity on the first layer is substantially the same on the second layer. However, independent claim 1, as herewith amended, recites in substantially greater detail a clearly distinguishable method in which information is recorded on a recordable multi-layer DVD record

carrier, wherein the information is incrementally recorded on the DVD such that the area regarded as containing written information on the first information layer is substantially equal to the area regarded as containing written information on the second information layer, and wherein the information which is incrementally recorded on the multi-layer DVD is reproducible on a DVD-ROM player without errors.

In this manner, the present invention provides a method which solves the prior-art problem of incompatibility in that information recorded on a dual-layer recordable DVD could not heretofor always be reproduced on a DVD-ROM player without errors. As noted in the instant specification, this compatibility issue is a significant problem due to the large number of DVD-ROM players in existence, and thus the instant invention provides a substantial commercial advance in the art by solving a major and widespread problem.

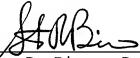
Furthermore, not only do the cited and applied references not disclose the instant invention as now more precisely recited, but each of these references is clearly directed to solving a substantially different problem. Thus, it is clearly stated that Kuroda is directed to a recording method which can prevent illegal copying of information data of a multi-layer disk to a single-layer disk, while Lee is directed to an information storage method which is capable of controlling optimal recording power. Clearly,

neither of the cited and applied references is directed to a method of recording information which permits information which is incrementally recorded on a multi-layer DVD to be reproducible on a DVD-ROM player without errors.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claim 1, as herewith amended, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By


Steven R. Biren, Reg. 26,531
Attorney
(914) 333-9630